REMARKS

Claims 1-43 are pending in the application. Claims 1-4, 9-12, 14, 17-20, 25-27, 31-34, 39 and 40 have been amended. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1, 2, 8-10, 12-15, 17, 18, 24, 25, 27-29, 31, 32, 38, 39, 41 and 42 under 35 U.S.C. 102(b) as anticipated by International Publication No. WO 99/08206 to Sinander, hereafter Sinander.

Independent claims 1 and 31 have been amended to recite the performance of "an operation on said data item that changes a version of said data item in said first table or said second table". Independent claim 17 has been similarly amended except that "first table" is recited as "memory".

Sinander lacks the recited operation in amended independent claims 1, 17 and 31. Sinander describes an upgrade operation that adds an additional version of a functional procedure to a database system. During the course of the upgrade, Sinander uses a Table 1 (page 7) as a way of referencing (page 7, lines 2 and 6) or looking up (page 7, line 30) an old procedure (sp_a_1.0), a new procedure sp_a_1.1 and an upgrade procedure (sp_a_upgr). Upgrade procedure sp_a_upgr is used only during the upgrade to keep old and new tables of data synchronized or updated. Notably, Sinander makes no changes to any of the versioned procedures, sp_a_1.0, sp_a_1.1 and sp_a_upgr. Sinander only uses these procedures to perform updates of the old and new tables, which are not taught as containing data items with version numbers. Therefore, Sinander lacks performance of the operation of changing a version of the data item stored in either a first table or a second table, as recited in amended independent claims 1, 17 and 31 and their dependent claims.

Claim 9 has been amended to recite that the operation places a copy of a current most recent version of the data item in table 2 and updates the current most recent version

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of the data item to form a new most recent version of the data item in table 1 and that the associating step associates a new version number with the new most current version of the data item in the first table. Sinander does not disclose or teach this operation.

For the reason set forth above, it is submitted that the rejection of claims 1, 2, 8-10, 12-15, 17, 18, 24, 25, 27-29, 31, 32, 38, 39, 41 and 42 under 35 U.S.C. 102(b) as anticipated by Sinander is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 3-6, 19-22 and 33-36 under 35 U.S.C 103(a) as unpatentable over Sinander in view of U.S Patent No. 5,410,695 to Frey et al., hereafter Frey.

This rejection is obviated by the amendment to independent claims 1, 17 and 31 from which claims 3-6, 19-22 and 33-36 depend. Namely, Sinander lacks the performing operation recited in amended independent claims 1, 17 and 31 as noted in the discussion of the rejection under 35 U.S.C. 102(b) set forth above. Frey, which was cited for a different reason does not supply the deficiency lacked by Sinander. Therefore, claims 3-6, 19-22 and 33-36 are not obvious in view of the combination of Sinander and Frey.

Moreover, the rejection is based on Sinander's upgrade procedure that uses old and new tables. However, Sinander's old and new tables contain identical data, since the new table is a copy of the old table. During the upgrade, the old table is updated with the old procedure sp_a_1.0 and the new table is updated with the new procedure sp_a_1.1 so as to synchronize the data, i.e., to make sure the data is identical in each table. Therefore, Sinander does not have two versions of a data item, but rather has two copies of a single version of the data item. Therefore, Sinander also lacks the storage of a version of the data item other than the most recent version in a second table.

The Examiner admits that Sinander does not disclose that the stored data item is associated with a (version − 1) value. The Examiner contends that Frey discloses an associated value, citing column 19, lines 23-26. Frey teaches in Fig. 4 a list entry 302

that includes a plurality of list entry controls 315, one of which is a version number 304. The cited column 19 passage discloses a version-request command that compares version numbers or increments, decrements or replaces the version number.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify Sinander with Frey's teaching. This would result in two identical copies of data items and version numbers in Sinander's new and old data tables, since the old table is updated with the old procedure sp_a_1.0 and the new table is updated with the new procedure sp_a_1.1 so as to synchronize the data, i.e., to make sure the data is identical in each table. Therefore, the combination of Sinander and Frey lacks the storage of a version of the data item other than the most version in a second table, as recited in amended independent claims 1, 17 and 31 from which claims 3-6, 19-22 and 33-36 depend.

There is no motivation for one skilled in the art to combine Sinander and Frey. The Examiner's contention that associating a version value with stored data increases the probability of retrieving the correct data has no relevancy to Sinander because Sinander merely teaches to store two copies of the same data version, one copy in an old table and the other copy in a new table, solely for the purpose of synchronizing the data of the two copies. Thus, there is only one version. Since there is only one version, there is no need, suggestion or motivation to combine Sinander and Frey.

The Office Action suggestion to combine Sinander and Frey is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing

<u>Interconnect Planning Corp. v. Feil</u>, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

With respect to dependent claims 3-5, 19-21 and 33-35, Sinander and Frey, taken separately or in combination, lack a version value of (version number – 1).

The versioning of the present invention is intended to support the concept of retention, the ability to have an audit trail so that companies can track changes made to versions (i.e. the versions are persistent), and to support multiple versioning concepts. To this end the present invention keeps all versions (just described), keeps x versions (rolling versions, but version numbers are always increasing), and versioning disabled.

Advantageously, the versioning of the present invention has meaning to the customer, at the user end, versus at the database end. The versioning of the present invention has external meaning, i.e., meaning that lies outside the database. The present invention does not versioning database objects like Sinander (synchronizing database objects like stored procedures). In contrast, the versioning of the present invention has no meaning outside the customer's data model and implementation. The present invention versions customer's data, the conceptualization of a data model designed and created by the customer. So the versioning of the present invention does not apply to something that is static, like Sinander's stored procedure. For example, one customer could come along and create an item type that means something totally different than another customer who creates a completely different item type. But both customers can implement versioning on their item types. But the meaning of that versioning could be totally different between the two customers based on their versioning policies and the nature of the data model created using the policies within Content Management system of the present invention.

For the reasons set forth above, it is submitted that the rejection of claims 3-6, 19-22 and 33-36 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 7, 23 and 37 under 35 U.S.C 103(a) as unpatentable over Sinander in view of Frey and further in view of U.S. Patent No. 6,591,342 to Akkary et al., hereafter Akkary.

This rejection is obviated by the amendment to independent claims 1, 17 and 31 from which claims 7, 23 and 37 depend. Namely, Sinander lacks the performing operation recited in amended independent claims 1, 17 and 31 as noted in the discussion of the rejection under 35 U.S.C. 102(b) set forth above. Frey and Akkary, which were cited for different reasons do not supply the deficiency lacked by Sinander. Therefore, claims 3-6, 19-22 and 33-36 are not obvious in view of the combination of Sinander, Frey and Akkary.

This rejection is also inapplicable for the reasons set forth above in the discussion of the rejection of claims 3-6, 19-22 and 33-36, from which claims 7, 23 and 37 depend.

The Examiner admits that Sinander does not disclose that m has a predetermined value. The Examiner contends that Akkary teaches a predetermined maximum value, citing column 12, lines 55-65.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the combination of Sinander and Frey with Akkary's teaching. This would result in two identical copies of data items and identical version numbers in Sinander's new and old data tables, since the old table is updated with the old procedure sp_a_1.0 and the new table is updated with the new procedure sp_a_1.1 so as to synchronize the data, i.e., to make sure the data is identical in each table. Moreover, there would be no need for Akkary's version counter since there is only one version. Therefore, the combination of Sinander, Frey and Akkary lacks the storage of a version of the data item other than the most version in a second table, as recited in amended independent claims 1, 17 and 31 and dependent claims 3-6, 19-22 and 33-36 from which claims 7, 23 and 37 depend.
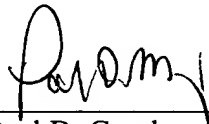
For the reasons set forth above, it is submitted that the rejection of claims 7, 23 and 37 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1-43 be allowed and that this application be passed to issue.

Respectfully Submitted,

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Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500